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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/335,078	06/17/1999	SHIVALING S. MAHANT-SHETTI	TI-26617	6066

23494 7590 11/04/2003

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EXAMINER
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QURESHI, AFSAR M

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 11/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/335,078

Applicant(s)

MAHANT-SHETTI ET AL.

Examiner

Afsar M Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 13 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Claims 11, 16 and 17 amended per request received on July 28, 2003.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1- 4, 9, 12,16, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilhousen et al. (US Patent No. 5715236).

Claims 1- 4, 9, 16, 17 and 20 Gilhousen teaches: a CDMA receiver for receiving CDMA encoded signals (see Figure 2), a PN code generator used for the CMDA signal encoding, (Col 9, lines 50-60), where accumulators 132 and 134 (fig.3), further process the CDMA coded signal (figure 3) a correlator 130 (*data conversion device*) used alongside the accumulator device for matching analog to digital representations (Figure 3), multiple digital states are shown to include two logical states for a +1 and a 0, and a physical state or "state" of -V (Col 8, lines 53-58).

Claim 12 Gilhousen automatic gain control circuitry AGC 514 (Figure 10) for providing feedback and making adjustments (see col. 28, lines 51-59).

4. Claims 5-8, 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhousen et al. (US Patent No. 5715236) in view of Hendrickson et al. (US Patent No. 5974584).

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Claims 5-8, 18 and 19 Gilhousen teaches all of the above embodiments except a zeroing or blanking process of muting a signal based on the signals relative strength or accuracy, Hendrickson teaches: a mobile phone system (Figure 1) with a data muting system 600 with a bit clock used for received signals for blanking signals that have data integrity issues (Col 7, lines 25-34). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the process of blanking erroneous data with a chip clock as a means to avoid errors as detected by the receiving portion of a mobile telephony system.

5. Claims 14 and 15 are allowed for the reasons outlined by the examiner in the previous office action.

6. Claim 10, 11, 13 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 10 and 11, the subtractive device that subtracts from an analog output following the multiply/accumulate step for a CDMA code is novel in its context over the prior art made to record. Regarding claims 13 and 21 the gain control mechanism is taught by Gilhousen, however, the gain control device that includes a

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multiplexer in a calibration mode and a storage unit is novel over the prior art made to record.

***Response to Arguments***

7. Applicant's arguments filed on July 28, 2003 have been fully considered but they are not persuasive. In the REMARKS, the applicant failed to point out specific limitations not addressed in the Office action but merely stated all the limitations of each claim addressed therein and alleged that none of these limitations are disclosed in the cited references. The examiner believes that all the elements of the claims are anticipated by the cited references, e.g., receive input, code generator, multiply/accumulator, data conversion device etc.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (703) 308 8542.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305 4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 2381.

*A. Q.*  
Afsar M. Qureshi  
Examiner  
AU 2667

October 30, 2003

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 10/30/03